

Appendix 4-X3, Waivers and Exemptions

Primary Agency: Illinois Department of Transportation (IDOT)

Support Agencies: Illinois State Police (ISP)
Illinois Commerce Commission (ICC)
Illinois Secretary of State – Police (SOS)
Illinois Department of Revenue (IDOR)
Illinois Emergency Management Agency (IEMA)

Support Organizations: County and Municipal Government
Private Sector Organizations and Industry

I. Introduction

A. Purpose

1. Provide operational guidance, coordinating processes and strategies for granting and implementing waivers and exemptions for motor carriers.

B. Scope

1. This appendix addresses support of waivers and exemptions for transportation and response resources required for the restoration of critical lifeline functions and community services.
2. This appendix addresses waivers and exemptions through response and short and intermediate recovery.
3. This appendix addresses coordination and communication between inter and intra-state organizations.
4. This appendix addresses the initial movement of transportation and response resources into and through the state, including demobilization and/or transit necessary to exit the state.
5. This appendix considers provisions applied to county and local governments proclaiming an emergency or disaster and the implementation of five-day, no extension, statewide waivers and exemptions.

C. Policy

1. Upon the governor's determination of a need for waivers and exemptions, all agencies having enabling authority will grant waivers and exemptions for transportation and response resources required for the restoration of critical lifeline functions and community services.

2. Based on the scope and magnitude of event, Authority Having Jurisdiction (AHJ) may extend the provisions for waivers and exemptions in accordance with federal requirements.
3. Waivers and exemptions for oversize and overweight permits on state highways will be approved in accordance with *IDOT Oversize and Overweight Permit Movements on State Highways Manual*, as amended.
4. County and/or local declarations and decisions to grant waivers and exemptions will be tracked and disseminated through the State Emergency Operations Center (SEOC).
5. Required input: Relevant agency policy from IDOR, SOS, ICC and SEOC

D. Situation Overview

1. A disaster has occurred resulting in significant damage to critical infrastructure, private residences and public property.
2. Private sector organizations require transit into and out of the state, which may require overweight, length and width waivers; extended hours of operation; and relief of fees and/or regulatory processes associated with routine operations.
3. The governor has proclaimed a disaster exists within Illinois.

E. Assumptions

1. Impacted areas are accessible.
2. Private sector organizations will work directly with regulatory and enforcement agencies on issues related to waivers and exemptions.
3. Private sector organizations will require mutual aid assistance from organizations external to the state.
4. Public, private sector and non-governmental organizations will coordinate dissemination of waivers and exemptions.
5. State waivers and exemptions will not be dependent on federal response posture.

II. Concept of Operations

A. General

1. Request for waivers and exemptions will be directed to individual agencies having enabling authority and will be coordinated with the SEOC.

2. Private sector organizations have primary responsibility for compliance with transportation regulations, waivers and exemptions as appropriate.
3. Primary and support agency SEOC liaisons will identify situations affecting transportation.
4. Granting of waivers and exemptions will follow recognized and identified standards, criteria, practices and agency policies.
5. To the extent possible, waivers and exemptions will be specified in a state disaster proclamation.

B. Organization

1. Direction, Coordination and Control
 - a) The governor or designee has the authority to waive regulations, laws, rules and policies in accordance with the IEMA Act.
 - b) Agencies retain enabling authority for granting and implementing waivers and exemptions.
 - c) Granting and implementation of waivers and exemptions will be coordinated between agencies having enabling authority and the SEOC.
2. Coordinating Elements
 - a) Agencies granting and implementing waivers and exemptions will coordinate with private sector partners, non-governmental organizations, other states and state agencies, and the federal government as appropriate.
 - b) For the purposes of responding to provide "direct assistance" to an "emergency" meeting the definitions in 49 CFR 390.5 and declared by the Federal Motor Carrier Safety Administration (FMCSA) or a governor, drivers are exempt from applicable regulations in all States on their route to the emergency, even those States which may not be involved in the declared emergency.
 - c) State waivers and exemptions will be enforced in accordance with the Illinois Administrative Code.
3. Federal Coordination
 - a) Under a presidential declaration of a major disaster or emergency, federal agencies are authorized to coordinate and

provide direct assistance to state agencies in support of disaster response and recovery efforts.

C. System Capabilities and Structure

1. Throughout response and recovery, the state maintains the capability to execute plans for waivers and exemptions in coordination with agencies having enabling authorities.
2. Authorities Having Jurisdiction are responsible for ensuring the alignment of waivers and exemptions with local government, private sector and federal activities.
3. Agencies granting waivers and exemptions maintain relationships necessary for coordinated dissemination and distribution of information.
4. Agencies maintain policies and procedures necessary to grant and enforce waiver and exemption provisions identified for response and recovery.

D. Resource Management and Logistics

1. Resources and logistics support necessary to implement and sustain response and short, intermediate and long-term recovery capabilities will be provided through processes established in IEOP Annex 9, Resource Management.

III. Roles and Responsibilities

A. Illinois Emergency Management Agency (IEMA)

1. SEOC manager

- ___ a) Ensure a proclamation exists that meets the needs of the state for granting waivers and exemptions.
- ___ b) Disseminate information on waivers and exemptions to the SEOC liaison officers (LNOs), key decision makers, executive officials, local and federal government agencies.
- ___ c) Coordinate with county emergency management officials to track and disseminate local declarations.
- ___ d) Coordinate with local emergency management agency and Authorities Having Jurisdiction to ensure dissemination of information.
- ___ e) Coordinate with the SEOC private sector LNO and Business Emergency Operations Center (BEOC) manager on the implementation and enforcement of waivers and exemptions to

develop and disseminate updates, briefings and intelligence to the private sector.

- ___ f) Coordinate and disseminate public information, crisis communications, and educational messaging with SEOC public information officer (PIO) and agencies having enabling authorities for waivers and exemptions as appropriate.

2) SEOC Public Information Officer

- ___ a) Coordinate with the SEOC manager and SEOC agency LNOs to develop information and messaging specific to the granting, implementing and enforcing of waivers and exemptions.
- ___ b) Coordinate with SEOC agency public information officers, key decision makers, executive officials, local and federal government agencies and media organizations to disseminate public information specific to the granting, implementing and enforcing of waivers and exemption as appropriate.

3) SEOC Private Sector LNO

- ___ a) Coordinate with the SEOC and BEOC manager to ensure dissemination of information on waivers and exemptions.
- ___ b) Develop and disseminate updates, briefings and intelligence, through the BEOC virtually, physically and/or as part of a Business Unified Incident Command (BUIC), to the private sector on physical and jurisdictional impediments to transportation of private sector resources.
- ___ c) Coordinate with SEOC LNOs on situations affecting private sector response and recovery.
- ___ d) Disseminate information to the private sector via the BEOC situational report, "Significant Event Activity Log" (SEAL), and/or through existing incident management systems.
- ___ e) Coordinate with Public Safety State Terrorism and Intelligence Center (STIC) to include verified waiver and exemption information in the HSIN Public Safety Room.
- ___ f) Coordinate with the SEOC manager, SEOC LNOs and private sector partners to facilitate authorized ingress and egress to affected areas.

B. Illinois Department of Transportation (IDOT)

- ___ 1. Coordinate with the SEOC legal LNO to incorporate waivers and exemptions into proclamation draft.

- _____ 2. Evaluate necessity of and requirements for waivers and exemptions on the basis of threat to life, health and public safety.
- _____ 3. Authorize emergency movement of vehicles or loads that exceed the maximum legal dimension and weight limitations.
- _____ 4. Identify appropriate arterial routes for movement of oversize/overweight resources.
- _____ 5. Coordinate with IDOT Bridge Office to identify safe routes into and out of impacted areas.
- _____ 6. Coordinate with ISP for escort of oversize/overweight loads.
- _____ 7. Disseminate Law Enforcement Activities Data System (LEADS) messaging related to waivers and exemptions.
- _____ 8. Coordinate with SOS for licensing of vehicles and financial responsibility requirements.
- _____ 9. Coordinate with Department of Revenue for information concerning motor fuel tax permits.
- _____ 10. Coordinate with local officials on waivers and exemptions having an effect on or requiring rerouting to non-state and federal roadways.
- _____ 11. Communicate waiver and exemption information to SEOC LNOs and appropriate public information officers for dissemination and coordination.
- _____ 12. Coordinate with IDOT PIO and SEOC PIO on authorized waivers and exemptions.

C. Illinois State Police (ISP)

- _____ 1. Coordinate with the SEOC legal LNO to incorporate waivers and exemptions into proclamation draft.
- _____ 2. Disseminate information to all ISP sworn officers to observe authorized waivers and exemptions.
- _____ 3. Coordinate with the SEOC Illinois Law Enforcement Alarm System (ILEAS) LNO to disseminate information on authorized waivers and exemptions.
- _____ 4. Coordinate with SEOC LNOs on authorized waivers and exemptions.
- _____ 5. Coordinate with ISP PIO and SEOC PIO on authorized waivers

and exemptions.

D. Illinois Commerce Commission (ICC)

- _____ 1. Coordinate with the SEOC legal LNO to incorporate waivers and exemptions into proclamation draft.
- _____ 2. Coordinate with public, municipal, cooperative and private sector utilities to identify necessary waivers and exemptions.
- _____ 3. Coordinate with SEOC LNOs on authorized waivers and exemptions.
- _____ 4. Coordinate with SEOC private sector LNO to address and disseminate information pertaining to waivers and exemptions.
- _____ 5. Disseminate information to ICC Transportation Division and ICC police officers.
- _____ 6. Coordinate with ICC PIO and SEOC PIO on authorized waivers and exemptions.

E. Illinois Secretary of State – Police (SOS)

- _____ 1. Coordinate with the SEOC legal LNO to incorporate waivers and exemptions into proclamation draft.
- _____ 2. Coordinate with SEOC LNOs on authorized waivers and exemptions.

F. Illinois Department of Revenue (IDOR)

- _____ 1. Coordinate with the SEOC legal LNO to incorporate waivers and exemptions into proclamation draft.
- _____ 2. Coordinate with SEOC LNOs on authorized waivers and exemptions.

IV. Authorities and References

A. Authorities

1. 49 Code of Federal Regulations, Part 390 through 399, as amended
2. 20 ILCS 2610, Illinois State Police Act, as amended
3. 625 ILCS 5/15, Illinois Size and Weight Law, as amended
4. 625 ILCS 5/18b-105, Rules and Regulations, as amended
5. 20 ILCS 3305, IEMA Act, as amended

6. 625 ILCS 5/18c, Illinois Commercial Transportation Law, as amended
7. 15 ILCS 305, Secretary of State Act, as amended
8. Title 86, Revenue Chapter 1, Department of Revenue Part 500, Subpart C, Motor Fuel Use Tax, as amended

B. References

1. Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5121 et seq
2. National Response Framework (NRF)
3. IDOT Oversize and Overweight Permit Movements on State Highways Manual, as amended